

Justice systems becoming more efficient in EU

EU Justice Scoreboard 2017

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The European Commission recently published the European Union Justice Scoreboard for 2017 which gives an overview of the efficiency, quality and independence of justice systems in EU Member States. The aim of the report is to help improve the effectiveness of the justice system in each and every Member State.

There are three main elements which contribute towards an effective justice system: efficiency, independence and quality. The Scoreboard focuses on all three elements. The effectiveness of national justice systems, in particular, greatly supports economic growth and respect for fundamental rights. For this reason, it is also an integral part of the European Semester - the EU's annual cycle of economic policy coordination.

This year's scoreboard makes various key findings, generally positive, which point towards more efficient justice systems across the majority of Member States. The report also examines new aspects which were not covered previously such as consumer access to the justice system, judicial independence and the use of ICT to help strengthen the efficiency of the justice system.

According to the report, in general there has been a decrease in the duration of civil and commercial court proceedings across Member States. The report shows that in Malta, the duration of court cases in 2015 decreased to approximately 400 days when compared to approximately 800 days in 2010. Malta fares well in terms of the number of civil, commercial, administrative and other cases being resolved, with a rate of 110% of cases being resolved in 2015. Moreover, since Malta's rate goes over the 100% mark, this means that more cases are being resolved than being filed in court.

On consumer protection, the report also found that the length of administrative proceedings and judicial review varies between Member States and that many consumer issues are being solved directly by consumer authorities. In fact, Malta records a short average length of administrative decisions by consumer protection authorities, namely the Malta Competition and Consumer Affairs Authority (MCCAA).

However, the report also states that in some Member States, citizens who do not have sufficient financial means find it difficult to access legal aid when facing certain disputes. Most Member States grant legal aid on the basis of the applicant's income and the Eurostat poverty threshold. In most Member States, legal aid is only provided if the applicant's income does not fall below the poverty threshold. In Germany and Spain, for example, partial legal aid is provided to applicants who do not fall below the poverty line. In Malta, full legal aid is provided to applicants whose income is at most 10% below the threshold. Hungary provides both full and partial legal aid to those whose income is 30% below the threshold.

ICT tools have also proven to be limited in a majority of Member States, with only six states making use of ICT technology in all stages of court proceedings. Malta lags in this respect as the use of ICT is limited to the submission of cases and to the transmission of summons. However, ICT tools are also being used frequently in Maltese Courts to monitor the stages of proceedings.

The report also looks at the public's perception of judicial independence. There has been a general improvement in this respect in most Member States, including Malta. One finds that many consider interference or pressure from government and politicians among the reasons for the perceived lack of independence of courts and judges. Other reasons include pressures exerted by economic interests, as well as fears that judges do not always act fully independently. This fear is usually attributed to a status or position which a judge might have held before his or her judicial appointment.

Some findings on justice systems in the Member States have already been included in a number of the country reports published by the Commission in February, including Malta's. On the judicial system, Malta's report highlights the proposed introduction of new measures on second chance and insolvency, improvements in the efficiency of the judicial system and the implementation of judicial reforms aimed at improving the system of the appointment of judges and remedying "the persisting shortcomings of the judiciary, in particular lengthy procedures and backlogs".